

REMARKS

Claims 1-4 and 12-14 are under examination and have been rejected.

Rejection Under 35 U.S.C. 112, ¶1

Claims 1-4 and 12-14 were rejected under 35 U.S.C. 112, paragraph 1, as failing to meet the enablement requirement. Specifically, the Examiner contends that the specification as filed is enabling for an isolated polypeptide that "binds" with antibodies induced by porcine gamma herpesvirus but not for polypeptides that "react" with said antibodies.

In response, Applicant has amended claim 1 to recite that the isolated polypeptide "binds to" said antibodies in place of "reacts with" in keeping with the suggestion of the Examiner.

As a result of such amendment, Applicant believes that this ground of rejection has been overcome and respectfully requests that the Examiner reconsider these claims in light of said amendment to claim 1 and withdraw this ground of rejection.

Claims 13 and 14 were rejected under 35 U.S.C. 112, paragraph 1, as failing to meet the enablement requirement in that the claims contain subject matter not described in the specification. Specifically, claim 13 is drawn to a vaccine and claim 14 to a method of immunizing a pig against porcine gamma herpesvirus. The Examiner contends that the specification lacks working examples of such embodiments.

In response, Applicant has canceled claims 13 and 14 without prejudice and subject to being asserted at a later time in a continuing application based on the present case. In view of said cancelation of claims 13 and 14, Applicants believe that

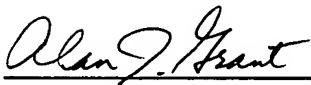
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this ground of rejection is moot.

Applicant acknowledges and concurs in the Examiner's conclusion that claims 1-4 and 12 are allowable if the word "reacts" in line 2 of claim 1 is changed to "binds."

In view of the amendment to claim 1, and cancellation of claims other than 1-4 and 12, Applicant believes that this case is in condition for allowance and respectfully requests that the Examiner withdraw the recited grounds of rejection.

No fees are believed due in making this response. The Commissioner is authorized to charge payment of any fees required in filing this response or credit any overpayment to Deposit Account No. 03-0678.

FIRST CLASS CERTIFICATE	
I hereby certify that this correspondence is being deposited today with the U.S. Postal Service as First Class Mail in an envelope addressed to:	
Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450	
 Alan J. Grant, Esq.	<u>9/17/04</u> Date

Respectfully submitted,



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